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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gerald W. Fischer et al. Confirmation No. 5776  
Application No.: 09/893,615 Group Art Unit: 1645  
Filing Date: June 29, 2001 Examiner: Virginia Allen Portner  
For: OPSONIC AND PROTECTIVE Attorney Docket No.: 103901-4199  
MONOCLONAL AND CHIMERIC  
ANTIBODIES SPECIFIC FOR  
LIPOTEICHOIC ACID OF GRAM  
POSITIVE BACTERIA

**AMENDMENT AND RESPONSE TO  
NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R. §1.121**

**Mail Stop AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed September 22, 2004, Applicants hereby respectfully re-submit and request entry of the following amendments and remarks into the record of the above-captioned application. This Amendment replaces the Amendment previously submitted on September 14, 2004.

The **CLAIMS** section of this paper begins on page 2.

The **REMARKS** section of this paper begins on page 6.

No fees are believed to be due in connection with this submission. Should any fees be required, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814.